

1 DAVID D. LAWRENCE, State Bar No. 123039  
dlawrence@lbaclaw.com  
2 DENNIS M. GONZALES, State Bar No. 59414  
dgonzales@lbaclaw.com  
3 NATHAN A. OYSTER, State Bar No. 225307  
noyster@lbaclaw.com  
4 LAWRENCE BEACH ALLEN & CHOI, PC  
100 West Broadway, Suite 1200  
5 Glendale, California 91210-1219  
Telephone No. (818) 545-1925  
6 Facsimile No. (818) 545-1937

7 Attorneys for Defendant  
Burbank Police Department Officer Gunn  
8

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 PRESTON SMITH, an individual;

13 Plaintiff,

14 vs.  
15

16 CITY OF BURBANK; BURBANK  
17 POLICE DEPARTMENT;  
BURBANK POLICE DEPARTMENT  
18 OFFICER GUNN; BURBANK  
POLICE DEPARTMENT OFFICER  
19 BAUMGARTEN; BURBANK  
POLICE DEPARTMENT OFFICER  
20 EDWARDS; AND DOES 1  
THROUGH 100, INCLUSIVE  
21

22 Defendants.  
23

Case No. CV 10-08840 R (AGRx)

Honorable Manuel L. Real

**OFFICER GUNN'S WITNESS LIST**

**Trial:** July 10, 2012

**Time:** 9:00 a.m.

**Courtroom:** 8

**Pretrial Conf.:** June 11, 2012

**Time:** 11:00 a.m.

**Courtroom:** 8

24 TO THE HONORABLE COURT, ALL PARTIES, AND TO THEIR COUNSEL  
25 OF RECORD:

26 ///

27 ///

28 ///

1 Defendant OFFICER NEIL GUNN, JR. (hereinafter "Officer Gunn")  
2 hereby submit the following list of witnesses that he intends to call at the time of  
3 trial.

4 **OFFICER GUNN'S WITNESS LIST**

5 1. Preston Smith, who can be reached through his attorneys of record.  
6 Mr. Smith will testify about his interaction with Officer Gunn, knowledge of the  
7 incident, alleged injuries suffered, and criminal conviction.

8 2. Officer Neil Gunn, Jr., who can be reached through his attorneys of  
9 record. Officer Gunn will testify regarding his interaction with Plaintiff,  
10 knowledge of the incident, subsequent investigation, and Plaintiff's criminal  
11 conviction.

12 3. Officer A. Baumgarten, who can be reached through his attorneys of  
13 record. Officer Baumgarten will testify regarding his interaction with Plaintiff,  
14 knowledge of the incident, subsequent investigation, and Plaintiff's criminal  
15 conviction.

16 4. Officer M. Edwards, who can be reached through his attorneys of  
17 record. Officer Edwards will testify regarding his interaction with Plaintiff,  
18 knowledge of the incident, subsequent investigation, and Plaintiff's criminal  
19 conviction.

20 5. Officer Joel Rodriguez, Burbank Police Department, 200 North  
21 Third Street, Burbank, California, 91502, (818) 238-3333. Officer Rodriguez will  
22 testify regarding his interaction with Plaintiff, knowledge of the incident, and  
23 subsequent investigation.

24 6. Sergeant D. Mayreis, Burbank Police Department, 200 North Third  
25 Street, Burbank, California, 91502, (818) 238-3333. Sergeant Mayreis will testify  
26 regarding his knowledge of the incident, and subsequent investigation.

1           7.     Detective C. Hawver, Burbank Police Department, 200 North Third  
2 Street, Burbank, California, 91502, (818) 238-3333. Detective Hawver will  
3 testify regarding his knowledge of the incident and subsequent investigation.

4           8.     Officer B. Ambrose, Burbank Police Department, 200 North Third  
5 Street, Burbank, California, 91502, (818) 238-3333. Officer Ambrose will testify  
6 regarding his knowledge of the incident and subsequent investigation.

7           9.     Officer Berry, Burbank Police Department, 200 North Third Street,  
8 Burbank, California, 91502, (818) 238-3333. Officer Berry will testify regarding  
9 his knowledge of the incident and subsequent investigation.

10          10.    Officer Murphy, Burbank Police Department, 200 North Third  
11 Street, Burbank, California, 91502, (818) 238-3333. Officer Murphy will testify  
12 regarding his knowledge of the incident and subsequent investigation.

13          11.    Officer Slor, Burbank Police Department, 200 North Third Street,  
14 Burbank, California, 91502, (818) 238-3333. Officer Slor will testify regarding  
15 his knowledge of the incident and subsequent investigation.

16          12.    Yesenia Guevara, address unknown. Ms. Guevara will testify  
17 regarding her knowledge of the incident.

18          13.    Mario Champieux, 6233 North Clybourn Avenue, North Hollywood,  
19 California 91606. Mr. Champieux will testify regarding his knowledge of the  
20 incident.

21          14.    Lemus Noe Adilson, 6240 Cahuenga Boulevard, North Hollywood,  
22 California 91606. Mr. Adilson will testify regarding his knowledge of the  
23 incident.

24

25

26 ///

27 ///

28 ///

1           15. Dr. Lai, Providence St. Joseph Medical Center, 501 South Buena  
2 Vista Street, Burbank, California 91505. Dr. Lai will testify regarding his  
3 knowledge of Plaintiff's physical condition following the incident.

4           The above list of witnesses is not exhaustive as Officer Gunn intends to  
5 supplement this witness list based upon information obtained during Plaintiff's  
6 deposition and other on-going discovery.

7  
8  
9 Dated: May 21, 2012

LAWRENCE BEACH ALLEN & CHOI, PC

10  
11  
12 By /s/ Nathan A. Oyster  
13 Nathan A. Oyster  
14 Attorneys for Defendant  
15 Burbank Police Department Officer Gunn  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28